

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| Commentator Number | Name of Commentator and Source of Comments (refer to Addendum IV for location of comments in rulemaking file) | Topic | Summary of Comments | Response |
|---------------------------|--|--------------|---|---|
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 1 3rd par | ISR | The new expansive FTDI program has no small business exemption, no length of service requirement for worker eligibility, lacks anti-fraud provisions, conflicts with other federal and state leave programs, and places California business at a competitive disadvantage with similar businesses situated in different states. | Pursuant to Government Code Section 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 6 2nd par | ISR | The regulations failed to meet APA requirements because the Department has not shown it has studied the actual cost of compliance. | The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on individuals and businesses. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 6 3rd par | ISR | The ISR is factually incorrect and fails to anticipate and address the disruptive effect on California businesses, particularly small businesses. | The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on individuals and businesses. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 7 1st par | ISR | The ISR incorrectly states that these regulations will not result in a significant statewide adverse impact directly affecting businesses including the ability to compete in other states. | The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on businesses. |
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 3 1st par | ISR | EDD inaccurately concludes that there will be no costs to individuals or businesses. | The regulations were drafted to implement, interpret, and make specific the various statutes which created the PFL program. Thus, these regulations do not by their terms impose any costs on individuals and businesses. |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|---|--|------------------------|--|--|
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 2 10th par | 1237 CUIC | Regulations remain silent on whether or not employees utilizing FTDI benefits are protected under the anti-retaliation provision of CUIC Section 1237. | Regulations are not necessary because CUIC Section 2602 provides that the provisions and definitions of Part 1 of Division 1, (commencing with Section 100) including Section 1237, apply to Part 2 of Division 1 (commencing with Section 2601), including Chapter 7 (commencing with Section 3300). The Department does not have the authority to promulgate regulations to change this provision. |
| 7 | Senator Sheila James Kuehl via letter dated April 1, 2004 pg. 1 3rd par | 2706-2(a) | The second sentence has no relationship to the definition of "first claim" and requires further clarification to avoid confusion. | The second sentence is related to the first sentence as it explains how the claimant, upon filing a first claim, establishes the 12-month period. |
| 4 | Nancy Cantley via e-mail dated March 31, 2004 pg. 1 #1 and #4 | 2706-2(a) 3302-1(m) | Commentator suggests deleting Section 2706-2(a) due to redundancy with Section 3302-1(m). | The Department included the definition in two places to assure clarity. |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 1 2nd and 3rd par. | 2706-2(d)(15) | The proposed regulation raises serious privacy concerns because there is no reason to disclose the claimant's employment-related information to the care recipient's health care provider or the care recipient. | The regulations are consistent with the enacting statutes which authorize the Department to develop the claim for benefits. Regulations to ensure confidentiality are not necessary because CUIC Sections 1094, 1095, and 2714 provide for confidentiality of all records within the Department's possession. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 3 5th par | 2706-2(d)(15) | This section should be amended to remove the authority of the Department to disclose the claimant's personal information to the care recipient's physician or practitioner as there is no such need for them to have such information and may infringe upon the worker's privacy rights. | The regulations are consistent with the enacting statutes which authorize the Department to develop the claim for benefits. Regulations to ensure confidentiality are not necessary because CUIC Sections 1094, 1095, and 2714 provide for confidentiality of all records within the Department's possession. |
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 2-2nd & 3rd par. | 2706-2(d)(15) | Commentator suggests deleting this provision because there is no justification for sharing the care provider's personal information with the physician. If not deleted, a provision to ensure confidentiality should be added. | The regulations are consistent with the enacting statutes which authorize the Department to develop the claim for benefits. Regulations to ensure confidentiality are not necessary because CUIC Sections 1094, 1095, and 2714 provide for confidentiality of all records within the Department's possession. |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|---|--|-----------------|--|--|
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 2-4th par. | 2706-2(d)(15) | Commentator suggests deleting this provision because there is no justification for sharing the care provider's personal information with the care recipient. | The regulations are consistent with the enacting statutes which authorize the Department to develop the claim for benefits. Regulations to ensure confidentiality are not necessary because CUI Sections 1094, 1095, and 2714 provide for confidentiality of all records within the Department's possession. |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 2 2nd and 3rd par. | 2706-2(f)(1)(F) | Commentator does not see statutory authority to authorize disclosure of personal health information to the care provider and believes this undermines the doctor-patient relationship and may violate state and federal guarantees. | The regulations are consistent with enacting statutes which authorize the Department to develop the claim for benefits. |
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 2-6th par. | 2706-2(f)(1)(F) | A provision should be added to ensure that the Department will maintain the confidentiality of the care recipient's medical information. | Regulations to ensure confidentiality are not necessary because CUI Sections 1094, 1095, and 2714 provide for confidentiality of all records within the Department's possession. |
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 2-7th & 8th par. | 2706-2(f)(1)(F) | Commentator does not see statutory authority to authorize disclosure of personal health information to the care provider and believes HIPPA (sic) prohibits this type of disclosure. Commentator recommends deleting this authorization from forms and that the provision be deleted from the regulations. | The regulations are consistent with enacting statutes which authorize the Department to develop the claim for benefits. |
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 3-1st par. | 2706-2(f)(1)(F) | Commentator requests regulatory language that specifies that the care recipient's failure to authorize disclosure of his/her medical information to the care provider shall not be grounds for denial or delay of benefits. | CUI Section 2708(b) requires specific medical information to substantiate the need for care. |
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 3-2nd par. | 2706-2(f)(1)(F) | Commentator suggests that the care recipient authorizations to release his/her medical information to EDD and to the care provider be completely separate from one another. | Pursuant to Government Code Section 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action. |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|---|--|-----------------|---|---|
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 3-2nd par. | 2706-2(f)(1)(F) | Commentator suggests that the authorization form highlight that both the care recipient's prognosis and diagnosis will be disclosed to the care provider. | Pursuant to Government Code Section 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action. |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 2 4th par. | 2706-2(f)(2) | This regulation should be amended to include a process by which the care recipient's personal medical information be submitted separately and directly to the Department. | The regulations are consistent with enacting statutes which authorize the Department to develop the claim for benefits. |
| 2 | Julia Beck via e-mail dated March 31, 2004 | 2706-2(f)(2) | Commentator recommends adding dates of treatment as a requirement. | Regulatory requirements are not necessary because the Department has the authority to request additional medical pursuant to CUIIC Section 3306, if necessary. CUIIC Section 2708(b) requires specific medical information to substantiate the need for care based on a documented medical history. |
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 3-5th and 6th par. | 2706-6 | Regulations are silent and need clarification on when and how employees will receive notice of their rights to continue their claim. | The regulations are consistent with the enacting statutes which require the Department to administer the FTDI program in accordance with the policies of the SDI program (CUIIC Section 3300(g)). |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 2 5th par. | 2706-6 | The regulation should clarify that a continued claim may be supported by the original medical certificate. | The regulations are consistent with the enacting statutes which require the Department to administer the FTDI program in accordance with the policies of the SDI program (CUIIC Section 3300(g)). |
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 3-4th par. | 2706-6(a) | Commentator requests that the Department clarify that claimants will not be required to submit a continued claim for nonconsecutive days off work. | The regulations are consistent with the enacting statutes which require the Department to administer the FTDI program in accordance with the policies of the SDI program (CUIIC Section 3300(g)). |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|---|---|--------------|--|--|
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 8-5th par. | 2707.2 CUIC | Commentator believes that FTDI claimants should be notified in writing of any disqualification based upon a failure to submit to a reasonable independent medical examination and should be instructed how to appeal from this denial. | Regulations are not necessary and would be duplicative of CUIC Section 2707.2. |
| 7 | Senator Sheila James Kuehl via letter dated April 1, 2004 pg. 6 3rd par | 2707.2 CUIC | Commentator believes that FTDI claimants should be notified in writing of any disqualification based upon a failure to submit to a reasonable independent medical examination and should be instructed how to appeal from this denial. | |
| 2 | Julia Beck via e-mail dated March 31, 2004 | 2708 CUIC | Regulations do not require that the doctor completing the medical certification of the family member be one of that person's treating physicians involved in the care of that person. | Regulations are not necessary and would be duplicative of CUIC Section 2708(a)(1) which requires that a first or continued claim be supported by the certificate of a treating physician and Section 2708(b) which requires that the medical information be based on a physical examination and documented medical history of the family member. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 5 3rd par | 2708(b)-1 | Commentator recommends that the word "comfort" be removed and replaced with "assistance" throughout this section. | This regulation is consistent with CUIC Section 2708(b)(5)(B) which uses the term "psychological comfort." |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 3 1st par. | 2708(b)-1(a) | Example 1 should be amended to clarify that under some circumstances, where supported by the medical certification, an individual traveling with a family member with a serious health condition may be eligible for benefits. | Example 1 in Section 2708(b)-1(c), illustrates an individual who is eligible for benefits in this circumstance. |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 3 2nd par. | 2708(b)-1(a) | Example 3 should replace the word "establishes" with "makes" or "submits." | The term "establishes" is the Department's preferred terminology. |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 3 3rd par. | 2708(b)-1(c) | Example 1 is a helpful illustration of the possible need for intermittent benefits. | Pursuant to Government Code Section 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action. |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|---|--|---------------------|---|---|
| 7 | Senator Sheila James Kuehl via letter dated April 1, 2004 pg. 2 3rd par | 2708(c)-1 | Commentator states that the domestic partner should be able to bond prior to the completion of the step parent adoption process. | Section 3303-1(a)(2) does allow for bonding benefits on any day an individual is unable to perform his or her regular or customary work because of "the placement, through adoption or foster care, of a minor child with the individual or the individual's domestic partner." |
| 7 | Senator Sheila James Kuehl via letter dated April 1, 2004 pg. 2 1st par | 2708(c)-1 (b)(3)(E) | This section should be separated into "(E) full name of father, if known" and "(F) full name of registered domestic partner, if applicable" to include gay male couples. | It is not necessary to incorporate this suggestion as it would be duplicative of Section 3303-1(a). |
| 7 | Senator Sheila James Kuehl via letter dated April 1, 2004 pg. 2 2nd par | 2708(c)-1(b)(4) | The regulation does not appear to have a verification process for a registered domestic partner bonding when the domestic partner is not listed on the proof of birth document. Commentator suggests that the proof of birth document with a certificate of domestic partnership be appropriate proof for purposes of bonding leave. | Incorporating this suggestion is not necessary because Section 2706-2(d)(12) provides that proof of relationships includes proof of registered domestic partnerships. |
| 7 | Senator Sheila James Kuehl via letter dated April 1, 2004 pg. 2 3rd par | 2708(c)-1(c) | This section on bonding with an adopted child needs to be modified to address domestic partner bonding with a child. Commentator suggest that the proof of adoption document with a certificate of domestic partnership be appropriate proof for purposes of bonding leave. | Incorporating this suggestion is not necessary because Section 2706-2(d)(12) provides that proof of relationships includes proof of registered domestic partnerships. |
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 4-2nd, 3rd, 4th and 5th par. | 3301(a)-1 | Section 3301(a)(1) (sic) should be deleted because SB 1661 did not specifically address the issue of job retention which may exist, with other rights, when the employee is covered by pre-existing laws. If not deleted, replace "provide" with "address" and add "although other provisions of law may do so" at the end of the sentence. | The Department added this provision in response to comments received during the 45-day public comment period requesting clarification that FTDI does not provide leave rights or job protection. |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|---|---|-------------|---|--|
| 5 | Claudia Center via letter dated April 1, 2004 pg. 3 4th and 5th par. | 3301(a)-1 | This section should be deleted because it is an inaccurate and misleading statement of governing law. If not deleted, the language should be either amended to add "although other provisions of law may do so" at the end of the sentence or by adding an example illustrating a person who is protected by FMLA/CFRA. | The Department added this provision in response to comments received during the 45-day public comment period requesting clarification that FTDI does not provide leave rights or job protection. |
| 7 | Senator Sheila James Kuehl via letter dated April 1, 2004 pg. 2 4th through 7th par | 3301(a)-1 | This section should be amended to add "although other provisions of law may do so" at the end of the sentence because although PFL does not provide job protection and other rights which may exist when the employee is covered by pre-existing laws. | The Department added this provision in response to comments received during the 45-day public comment period requesting clarification that PFL does not provide leave rights or job protection. |
| 4 | Nancy Cantley via e-mail dated March 31, 2004 pg. 1 #3 | 3301(d)-1 | Commentator suggests replacing "were" with "was" in the second paragraph of Example 1. | This suggestion is incorporated. |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 4 1st par. | 3301(d)-1 | Example 1 should replace the word "establishes" with "submits" or "completes" or "makes." | The term "establishes" is the Department's preferred terminology. |
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 5-1st par. | 3301(d)-1 | Example 2 should be deleted because it appears to be almost identical to Example 3. | Both examples accurately reflect the enacting statutes. |
| 7 | Senator Sheila James Kuehl via letter dated April 1, 2004 pg. 3 1st through 3rd par | 3301(d)-1 | Example 2 should be deleted because it appears to be almost identical to Example 3. | |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 4 2nd par. | 3301(d)-1 | Example 2 should be deleted because it is confusing and Example 3 retained. | |
| 4 | Nancy Cantley via e-mail dated March 31, 2004 in 2nd par. of the cover page | 3302.1 CUIC | Regulations do not address the application of CUIC Section 3302.1 as it relates to voluntary plan or state plan liability. | Regulations regarding voluntary plan liability will be developed for a separate rulemaking package that will be published in the California Regulatory Notice Register and open to public comment for 45-days. |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|---|---|--------------|---|---|
| 4 | Nancy Cantley via e-mail dated March 31, 2004 pg. 1 #2 | 3302-1 | Commentator recommends all definitions be included in Section 3302-1. | It is the Department's preferred format to define "12-month period" and "serious health condition" within their respective regulatory sections which correspond to their respective statutory sections. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 3 2nd par | 3302-1(e) | Commentator suggests removing the word "county" as there should be no requirement that the certificate come from a specific type of hospital. | This requirement is consistent with CUIC Section 2708(f). |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 4 3rd par. | 3302-1(f)(1) | We are pleased that the Department deleted the requirement that the care recipient require assistance in "activities of daily living." | Pursuant to Government Code Section 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action. |
| 4 | Nancy Cantley via e-mail dated March 31, 2004 pg. 1 #5 | 3302-1(p) | Commentator suggests rewording the definition of "new child." | This suggestion was already incorporated. |
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 5-3rd and 4th par. | 3302-1(v) | Commentator does not believe there is legal authority to reference Labor Code Section 227.3 and that it is contrary to the law and should be deleted. | The Department added this provision in response to comments received during the 45-day public comment period requesting clarification about what constitutes vacation leave. The Department has the authority to implement, interpret, and make specific the enacting statutes. |
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 5-5th par. | 3302-1(v) | Commentator suggests adding a comment stating that sick leave is not covered under this section. | A regulation is not necessary because Labor Code Section 227.3 speaks specifically to vested vacation. |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 4 5th par. | 3302-1(v) | The rule should specify that sick leave is not included. | A regulation is not necessary because Labor Code Section 227.3 speaks specifically to vested vacation. |
| 7 | Senator Sheila James Kuehl via letter dated April 1, 2004 pg. 4 1st par | 3302-1(v) | The rule should specify that sick leave is not included. | |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|----|---|--------------|---|--|
| 5 | Claudia Center via letter dated April 1, 2004 pg. 4 4th and 5th par. | 3302-1(v) | The Department's definition of vacation pay, including vested "paid time off," is overly broad and unsupported by statutory language. | The Department added this provision in response to comments received during the 45-day public comment period requesting clarification about what constitutes vacation leave. The Department has the authority to implement, interpret, and, make specific the enacting statutes. |
| 7 | Senator Sheila James Kuehl via letter dated April 1, 2004 pg. 3 4th through 7th par | 3302-1(v) | The Department's definition of vacation pay, including vested "paid time off," is overly broad and unsupported by statutory language. | |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 5 4th par | 3302-1(y) | Commentator suggests removing this section from definitions and place it elsewhere since this is not a definition. | The regulations are consistent with the enacting statutes which require the Department to administer the FTDI program in accordance with the policies of the SDI program (CUIC Section 3300(g)). |
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 6-2nd, 3rd, 4th and 5th par. | 3302-1(y)(1) | This regulation should be changed to recognize that legitimate reasons for withdrawal from the labor market should not result in ineligibility. | Regulations that exclusively list legitimate reasons for withdrawal from the labor market are not necessary and could be limiting. |
| 7 | Senator Sheila James Kuehl via letter dated April 1, 2004 pg. 4 2nd through 6th par | 3302-1(y)(1) | This regulation should be changed to recognize that legitimate reasons for withdrawal from the labor market should not result in ineligibility. | |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 5 5th par | 3302-2(a)(1) | Commentator recommends adding the words "appropriate and related" after the word "any" as the current definition is too broad in scope. | It is not necessary to incorporate this suggestion because this section already states that the treatment is related to the serious health condition. |
| 10 | Heather M. Sager via e-mail dated March 31, 2004, pg. 1 2nd par. to top of pg. 2. | 3303-1 | Regulations do not explain how California employers are supposed to deal with employees who request CFRA bonding leave and then, upon their return to work, request bonding leave under FTDI. | The enacting statutes do not grant the Department the authority to promulgate regulations that govern employer policies. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 2 4th par | 3303-1 | This regulation should be clarified to ensure that bonding benefits are not paid to both parents simultaneously. | There is no statutory authority to bar both parents from receiving bonding benefits simultaneously. |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|----|---|-----------|--|--|
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 5 6th par | 3303-1(a) | Commentator recommends removing the words "is unable to" and replace with "does not" as the claimant is still capable of doing the job but is choosing to care for a family member instead. | The regulation is consistent with the enacting statutes which provide that an individual may be eligible for benefits on any day in which he or she "is unable to perform his or her regular or customary work." (CUIC Section 3303) |
| 10 | Heather M. Sager via e-mail dated March 31, 2004, pg. 2, 1st par. | 3303(b)-1 | Commentator asks if the second week of employer-required vacation leave reduces the number of weeks available for benefits. | Regulations are not necessary and would be duplicative of CUIC Section 3301(a)(1) which provides for the Department to pay up to six weeks of wage replacement benefits. |
| 10 | Heather M. Sager via e-mail dated March 31, 2004, pg. 2, 3rd par. | 3303(b)-1 | Example 4 in Section 3303(b)-1 conflicts with other portions of the regulations that specifically exempt employees from receiving benefits if they are also receiving wages. | Example 4 is consistent with CUIC Section 2656(c) which states that vacation pay is not considered wages for determining eligibility for benefits. |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 5 1st through 6th par. | 3303(b)-1 | Examples 4 and 5 should be amended to clarify the interaction between sick leave and CUIC Section 2656 and that the claimant is also entitled to up to six weeks of benefits even though she received two weeks of sick leave. | The purpose of this Example is to illustrate the use of sick leave during a waiting period and it cites the appropriate references. |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 6 1st par. | 3303(b)-1 | Commentator opposes the Example 6 assumption that the employer can require the use of earned but unused "paid leave." | Example 6 in Section 3303(b)-1 does not include a reference to vacation leave. If the commentator is referring to Example 6 in Section 3303.1(c)-1, the Department amended Example 6 in response to comments received during the 45-day public comment period requesting clarification about what constitutes vacation leave. The Department has the authority to implement, interpret, and make specific the enacting statutes. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 2 5th par | 3303(b)-1 | The regulation should specify that the waiting period is "seven consecutive days" to lessen confusion and reduce the administrative nightmare on EDD. | The term "consecutive" was deleted in accordance with the provisions of SB 727, Chapter 797, Statutes of 2003. |
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 3 2nd par | 3303(b)-1 | The regulation indicates that the seven-day waiting period need not be consecutive days. | The word "consecutive" was deleted in accordance with the provisions of SB 727, Chapter 797, Statutes of 2003. |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|----|---|--------------------------|---|---|
| 10 | Heather M. Sager via e-mail dated March 31, 2004, pg. 2, 2nd par. | 3303(b)-1 | Regulations are not clear regarding when benefits begin during or after a period during which an employee receives sick leave or vacation. | Example 5 in Section 3303(b)-1 illustrates that sick leave is regular wages that conflict with the receipt of benefits. CUIC Section 3303.1(c) allows an employer to require up to two weeks of earned but unused vacation leave prior to the initial receipt of benefits. The enacting statutes do not provide for an employer to require the use of sick leave in lieu of vacation leave. Example 3 in Section 3303.1(c)-1 illustrates that vacation leave in excess of the employer-required two weeks does not conflict with the receipt of benefits. |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 6 2nd par. | 3303(b)-1 | Commentator suggests additional examples to further explain the interaction between employer-provided benefits and FTDI benefits. | The regulations are consistent with enacting statutes which require the Department to administer the FTDI program in accordance with the policies of the SDI program (CUIC Section 3300(g)). |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 3 6th par | 3303(b)-1 3303.1(c)-1 | The proposed regulations take away the employer's right to require the use of sick leave or paid time off during the waiting period. | Examples 4 and 5 in Section 3303(b)-1 and Example 6 in Section 3303.1(c)-1 illustrate the use of sick leave and paid time off, respectively, in the waiting period. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 2 6th par | 3303(b)-1(a)(1) | Commentator recommends deletion of this section because days missed due to a work-related reason should not be counted towards the waiting period. | The regulations are consistent with the enacting statutes which require the Department to administer the FTDI program in accordance with the policies of the SDI program (CUIC Section 3300(g)). |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 3 1st par | 3303(b)-1(a)(1) | Commentator recommends that EDD require <u>certified copies</u> of critical eligibility documents such as birth certificates as a way to reduce fraud. | These requirements are consistent with the Department's authority to implement, interpret, and make specific the enacting statutes. |
| 1 | Shellie Adams via e-mail dated March 31, 2004 | 3303(b)-1(b) | Regulations do not illustrate whether a claimant may serve a broken or nonconsecutive waiting period for bonding. | Examples 2 and 3 in Section 3303(b)-1 illustrate nonconsecutive days of waiting period service. Enacting statutes do not require a seven-day consecutive waiting period nor do they differentiate between waiting periods for bonding or care claims. |
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 1 6th par | 3303.1(a)-1 | Examples in this section compound the problem caused by loopholes and ambiguity by only providing examples where a claimant may receive benefits despite the presence of another family member. | The regulations accurately reflect the enacting statutes. |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|---|---|-------------|---|--|
| 5 | Claudia Center via letter dated April 1, 2004 pg. 6 4th par. | 3303.1(c)-1 | Example 2 is misleading and should be clarified to add the phrase "up to two weeks" prior to "...of earned but unused vacation pay...." | This suggestion is incorporated in this and related examples. |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 6 5th par. | 3303.1(c)-1 | Example 2 should also be amended to clarify that the claimant is receiving regular wages during the second week and that the claimant is also entitled to up to six weeks of FTDI benefits. | This example accurately reflects the enacting statutes. |
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 6-7th par. | 3303.1(c)-1 | Commentator suggests amending Example 3 to include the phrase "two weeks" prior to "...of earned but unused vacation pay...." | This suggestion is incorporated in this and related examples. |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 6 6th par. | 3303.1(c)-1 | Example 3 should be clarified to add the phrase "up to two weeks" prior to "...of earned but unused vacation pay...." | |
| 7 | Senator Sheila James Kuehl via letter dated April 1, 2004 pg. 5 1st through 2nd par | 3303.1(c)-1 | Commentator suggests amending Example 3 to include the phrase "two weeks" prior to "...of earned but unused vacation pay...." | |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 6 7th par. | 3303.1(c)-1 | Example 3 should also be amended to clarify that the claimant is not eligible for benefits due to the receipt of regular wages. | This suggestion is not consistent with statutes and will not be incorporated. |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 7 1st par. | 3303.1(c)-1 | Example 4 appears incorrect because it allows the receipt of both vacation pay and FTDI benefits. | The example is consistent with CUIC Section 3303.1(c) which provides that paid vacation only conflicts with the receipt of FTDI benefits when required by the employer. CUIC Section 2656(c) allows for the receipt of vacation pay during a claim period. |
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 7-3rd par. | 3303.1(c)-1 | Example 6 should be deleted. | The Department amended Example 6 in response to comments received during the 45-day public comment period requesting clarification about what constitutes vacation leave. The Department has the authority to implement, interpret, and make specific the enacting statutes. |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|---|---|-------------|--|---|
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 4 1st and 2nd par | 3303.1(c)-1 | This regulation remains an area of major confusion which leaves employers struggling with the contradictions between PFL and CFRA/FMLA as to what an employer can require. | This regulation is consistent with CUIC Section 3303.1(c) which provides that an employer may require an employee to take up to two weeks of earned but unused vacation leave prior to the initial receipt of benefits. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 4 3rd par | 3303.1(c)-1 | The conflict between what is allowed under CFRA/FMLA and PFL is going to create administrative problems for employers. | Pursuant to Government Code Section 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 4 4th par | 3303.1(c)-1 | Commentator believes that the word "paid" should be added prior to the word "vacation" throughout. | Although not explicitly stated, if the commentator is suggesting amending the regulations, this change is not necessary because unpaid vacation does not conflict with the receipt of benefits. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 4 5th par | 3303.1(c)-1 | The proposed regulations appear to grant more leave (eight weeks) than provided in the statute. | This regulation is consistent with the enacting statutes which provide for the Department to pay up to six weeks of wage replacement benefits. |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 6 3rd par. And pg. 7 2nd par. | 3303.1(c)-1 | The regulations should be altered to acknowledge the integration of benefits. | The regulations are consistent with enacting statutes which require the Department to administer the FTDI program in accordance with the policies of the SDI program (CUIC Section 3300(g)). |
| 4 | Nancy Cantley via e-mail dated March 31, 2004 pg. 1 #6 | 3306(b)-1 | Commentator suggests renumbering the subdivisions to include a subdivision (c). | This suggestion is incorporated. |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 7 5th par. | 3306(b)-1 | The regulations inaccurately state that the care recipient is required to submit to an independent medical examination. | This language is consistent with CUIC Section 3306(b) which provides that the director may require the care recipient to submit to reasonable examinations. |
| 7 | Senator Sheila James Kuehl via letter dated April 1, 2004 pg. 5 4th par | 3306(b)-1 | Commentator suggests amending this section so that a claimant is not disqualified if the care recipient does not permit a physician to examine him. | The regulations are consistent with the enacting statutes which require the Department to administer the FTDI program in accordance with the policies of the SDI program (CUIC Section 3300(g)). |
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 7-5th par. | 3306(b)-1 | Commentator suggests amending this section so that a claimant is not disqualified if the care recipient does not permit a physician to examine him. | |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|---|---|-----------------|---|--|
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 1 4th par | 3306(b)-1 | The regulations do not provide for more than a disqualification as of the date of the independent medical examiner's report. | The regulations are consistent with the enacting statutes which require the Department to administer the FTDI program in accordance with the policies of the SDI program (CUIC Section 3300(g)). |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 7 3rd and 4th par. | 3306(b)-1(a) | There is no statutory basis for the inclusion of the phrase "objective medical findings" and there is no comparable requirement in the context of SDI. The phrase should be deleted and replaced with "a basis for the statement that the claimant's participation is warranted." | The regulations are consistent with the enacting statutes which require the Department to administer the FTDI program in accordance with the policies of the SDI program (CUIC Section 3300(g)). Section 2627(c)-1(c)(1) includes the phrase "objective medical findings." |
| 5 | Claudia Center via letter dated April 1, 2004 pg. 7 6th par. | 3306(b)-1(c) | The Department should consider whether any other evidence is available to confirm the need for benefits prior to denying the claim if the claimant is unable to secure the cooperation of the care recipient. | Pursuant to Government Code Section 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action. |
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 8-1st and 2nd par. | 3306(b)-1(f)(2) | Commentator suggests adding language to allow a claimant to submit a continued claim following the last day covered by the duration of disability estimated by the independent medical examiner. | The regulations are consistent with the enacting statutes which require the Department to administer the FTDI program in accordance with the policies of the SDI program (CUIC Section 3300(g)). |
| 7 | Senator Sheila James Kuehl via letter dated April 1, 2004 pg. 5 7th and 8th par | 3306(b)-1(f)(2) | Commentator suggest adding language to allow a claimant to submit a continued claim following the last day covered by the duration of disability estimated by the independent medical examiner. | |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|---|---|-------------------------|---|--|
| 9 | Tom Rankin via letter faxed April 1, 2004 pg. 8-4th par. | 3306(b)-1(f)(3) | Commentator suggests adding language to resolve a discrepancy between the treating physician's and the independent medical examiner's opinions. | The regulations are consistent with the enacting statutes which require the Department to administer the FTDI program in accordance with the policies of the SDI program (CUIC Section 3300(g)). |
| 7 | Senator Sheila James Kuehl via letter dated April 1, 2004 pg. 6 2nd par | 3306(b)-1(f)(3) | Commentator suggests adding language to resolve a discrepancy between the treating physician's and the independent medical examiner's opinions. | |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 7 1st par | California business | The FTDI program makes it more difficult and expensive to do business in California. | Pursuant to Government Code Section 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 5 9th par | California constitution | The FTDI program was enacted in violation of Section 3 of Article XIII A of the California constitution. | Pursuant to Government Code Section 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 5 8th par | ERISA | The regulations are impermissible under ERISA. | The Department's authority to promulgate regulations does not include determining the constitutionality or legality of statutory provisions. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 2 2nd par | FMLA/ CFRA | The revised regulation lacks employer protections that exist in state and federal laws applicable to larger companies with more than 50 workers such as the right to designate leave, certification rights, key employees exemption, etc. | The enacting statutes do not grant the Department the authority to incorporate employer protection in other leave laws. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 4 6th par | FMLA/ CFRA | The program removes most of the existing employer protections built into the state and federal leave acts and transfers control of employee attendance leave programs to a state bureaucracy. | Pursuant to Government Code Section 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action. |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|---|---|---------------------------|--|---|
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 5 7th par | FMLA/ CFRA | The regulations are silent on the issue of a "key employee" and need to be clarified in order to conform to state and federal leave programs. | The regulations are consistent with the enacting statutes which do not contain a provision addressing "key employee." |
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 1 2nd par | FMLA/ CFRA | The regulations lack safeguards in CFRA and FMLA such as the right to request recertification of permanent, long-term and/or chronic conditions and the right to insist on second and third opinions to validate a questionable first opinion. | The regulations were drafted to implement, interpret, and make specific the various statutes which created the FTDI program. Addressing CFRA and FMLA provisions is not within the scope of authority conferred on this Department. CUIC Section 3306 allows the director to request additional medical evidence to supplement the first or any continued claim and to require the care recipient to submit to reasonable examinations. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 3 7th par | FMLA/ CFRA Labor Code 233 | The regulations totally ignore what FMLA, CFRA and Kin Care provide. | The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes. |
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 2 4th par | FMLA/CFRA | Proposed regulations do not mitigate the confusion caused by the lack of integration between CFRA and FMLA. | The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes. |
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 2 5th par | FMLA/CFRA | FTDI, unlike FMLA and CFRA, provides a right to collect financial benefits but not leave rights or any form of job protection. | Although not explicitly stated, if the commentator is referring to the proposed regulations, Section 3301(a)-1 was added to clarify that FTDI does not provide leave rights or job protection. |
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 2 8th par | FMLA/CFRA | FTDI has no time on the job requirements. | The enacting statutes do not grant the Department the authority to address a length of service requirement. |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|---|---|---------------------|---|--|
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 3 4th par | fraud | The proposed rules fail to set out any process for the employer to address suspected fraudulent claims or mischaracterized absences. | The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection. The Department, through its various publications, encourages the public to report suspected fraud via its toll-free hotline. |
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 1 5th par | fraud | The proposed regulations fail to set out any process for the employer to address fraudulent claims or mischaracterized absences. | |
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 1 1st par | fraud | The regulations do not mitigate the serious fraud exposure. | The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes. |
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 1 4th par | fraud | The regulations do not provide enough fraud protection even though they require a claimant to supply a social security account number and provide for an independent medical examination process. | The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection. |
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 1 4th par | fraud | It is unrealistic to assume that the Department is going to be able to validate suspicious claims because the benefits are both intermittent and only for a six-week timeframe annually. | The Department is not obligated to disclose internal procedures for prevention and detection of fraud because such disclosure would enable a law violator to avoid detection. |
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 1 4th par | fraud | There are no penalties or required repayment for fraudulently receiving benefits. | Regulations are not necessary and would be duplicative of CUIC Sections 1143, 3305 and CUIC Chapter 10 (commencing with Section 2101) of Part 1, Division 1, in regards to penalties, and CUIC Article 5 of Chapter 2 (commencing with Section 2735) of Part 2, Division 1, in regards to overpayments. |
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 3 2nd par | intermittent leaves | The regulations heighten the economic impact and operational disruption because a claimant can receive benefits intermittently. | Benefits are paid to eligible claimants who suffer a wage loss due to the need to provide care or bond whether on a full-time or intermittent basis pursuant to CUIC Section 140.5. |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|---|---|--------------------------|--|--|
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 2 6th and 7th par | job protection | Employees will mistakenly believe they are taking state-protected leave only to learn upon their return to work that they were terminated for failing to report to work. This is particularly problematic for domestic partnerships which are not protected under FMLA and CFRA. | Section 3301(a)-1 was added to clarify that FTDI does not provide job protection. |
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 2 9th par | job protection | Proposed regulations do not mitigate employer exposure to frivolous lawsuits and administrative procedures when challenged by employees who believe they were wrongfully terminated. | The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 3 7th and 8th par | Labor Code 233 | Commentator asks whether the employer can require the worker to use Kin Care when absent for a qualifying reason. | The enacting statutes do not grant the Department the authority to promulgate regulations to regulate the use of Kin Care. The examples in these regulations merely illustrate the interplay between Kin Care and FTDI. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 7 2nd par | no input | The proposed regulations were crafted without input from the regulated community. | The Department is complying with APA requirements to obtain input from all interested parties. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 3 3rd par | notification to employer | Commentator states that employers are concerned that employees are not required to present any type of certification to the employer to support the request for leave. | It is beyond the scope of the Department's statutory authority to require anything more than that the notice in CUI Section 2613 instruct the employee to notify the employer as required by company policy. The Department is required to notify the employer of the filing of a PFL claim as provided in CUI Section 2707. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 4 6th par | notification to employer | Regulations are silent regarding advanced notification to employers. | It is beyond the scope of the Department's statutory authority to require anything more than that the notice in CUI Section 2613 instruct the employee to notify the employer as required by company policy. The Department is required to notify the employer of the filing of a PFL claim as provided in CUI Section 2707. |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|---|---|--------------------------|---|--|
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 5 1st par | notification to employer | The proposed regulations fail to address practical and operational issues affecting employers and should include a process for employer notification. | It is beyond the scope of the Department's statutory authority to require anything more than that the notice in CUI Section 2613 instruct the employee to notify the employer as required by company policy. The Department is required to notify the employer of the filing of a PFL claim as provided in CUI Section 2707. |
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 2 1st through 3rd par | notification to employer | FTDI lacks an employer notification requirement that FTDI is being pursued which poses serious operational issues. | Pursuant to Government Code Section 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action. |
| 6 | Mike Falasco, Bill Dombrowski and Rayne Thompson via letter dated April 1, 2004 pg. 1 3rd par | psychological comfort | Psychological comfort is an undefined term that invites abuse. | Regulations are not necessary because the enacting statutes do not differentiate between physical assistance and psychological comfort as long as the care recipient has a serious health condition supported by the medical certificate pursuant to CUI Section 2708(b)(5). |
| 8 | Lauren Quevedo via electronic comment submitted March 17, 2004 | PTO | Commentator asks if the employer can require the employee to use accrued but unused PTO during the PFL. | Section 3302-1 was amended to include a definition of "vacation leave." Example 6 in Section 3303.1(c)-1 illustrates the use of vested paid time off under Labor Code Section 227.3 in lieu of vacation leave. |
| 8 | Lauren Quevedo via electronic comment submitted March 17, 2004 | PTO | Commentator asks how receipt of PTO will affect the employee's 7 day elimination period. | Section 3302-1 was amended to include a definition of "vacation leave." Example 6 in Section 3303.1(c)-1 illustrates the use of vested paid time off under Labor Code Section 227.3 in lieu of vacation leave. |
| 8 | Lauren Quevedo via electronic comment submitted March 17, 2004 | PTO | Commentator asks if receipt of PTO will reduce or extend the employee's waiting period. | Section 3302-1 was amended to include a definition of "vacation leave." Example 6 in Section 3303.1(c)-1 illustrates the use of vested paid time off under Labor Code Section 227.3 in lieu of vacation leave. |
| 8 | Lauren Quevedo via electronic comment submitted March 17, 2004 | PTO | Commentator asks if an employee can satisfy the waiting period while receiving PTO. | Section 3302-1 was amended to include a definition of "vacation leave." Example 6 in Section 3303.1(c)-1 illustrates the use of vested paid time off under Labor Code Section 227.3 in lieu of vacation leave. |

**Final Statement of Reasons-Family Temporary Disability Insurance
Addendum V 15-Day Public Comment Period**

| | | | | |
|----|--|----------------|--|--|
| 11 | Robaire Warren via electronic comment submitted March 16, 2004 | PTO | Regulations do not address the use of PTO instead of sick and vacation. | Section 3302-1 was amended to include a definition of "vacation leave." Example 6 in Section 3303.1(c)-1 illustrates the use of vested paid time off under Labor Code Section 227.3 in lieu of vacation leave. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 7 3rd par | small business | The regulations will substantially impact small business. | The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 7 5th par | small business | The proposed regulations fail to consider the impact on small businesses because the rules lack employer protections that exist in state and federal leave laws applicable to companies with more than 50 workers. | The enacting statutes do not grant the Department the authority to promulgate regulations to exempt small business, limit the number of workers from the same company who may receive benefits at the same time, or address a length of service requirement. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 5 2nd par | state impact | PDL (sic) is very likely to drain the Disability Fund and create additional hardship on the state. | Pursuant to Government Code Section 11346.9(a)(3), the comment is irrelevant in that it is not specifically directed at the Department's proposed action, or its procedures in proposing or adopting the action. |
| 3 | Julianne Broyles via e-mail dated April 1, 2004 pg. 2 2nd par | vagueness | The proposed revisions to the regulation continue to use new terms and require undefined procedures for implementation. | The Department is unable to respond to this comment due to its lack of specificity. The Department drafted these regulations to implement, interpret, and make specific the enacting statutes. |